

**Exhibit 3.1**

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22 UNITED STATES DISTRICT COURT  
23 FOR THE CENTRAL DISTRICT OF CALIFORNIA

24 MICHAEL GARCIA on behalf of  
25 himself and others similarly situated,

26 Plaintiff,

vs.

27 LOS ANGELES COUNTY SHERIFF'S  
28 DEPARTMENT, a public entity, et al.,

Defendants.

Case No. : CV 09-08943 DMG (SHx)

DECLARATION OF ANNA RIVERA  
IN SUPPORT OF PLAINTIFF'S  
NOTICE OF MOTION AND MOTION  
FOR AWARD OF ATTORNEYS'  
FEES AND EXPENSES RELATED  
TO CLASS ACTION SETTLEMENT  
WITH COUNTY OF LOS ANGELES

## **DECLARATION OF ANNA RIVERA**

I, ANNA RIVERA, declare:

1. I am a Senior Staff Attorney at the Disability Rights Legal Center (“DRLC”). The DRLC, along with co-counsel at Milbank Tweed, Hadley & McCloy (“Milbank”), represents Plaintiff Michael Garcia and has been appointed by the Court as Class Counsel. The facts set forth herein are based upon my personal knowledge, my review of documents prepared and/or maintained by DRLC in the ordinary course of business, and information provided to me by employees of DRLC’s co-counsel, Milbank. If called as a witness, I could and would testify competently thereto.

2. DRLC is a 501(c)(3) non-profit public interest organization dedicated to advancing the civil rights of people with disabilities through education, advocacy and litigation. Founded in 1975, DRLC is one of the oldest non-profit, public interest law centers to focus on representing individuals with diverse disabilities. DRLC's mission is to champion the rights of people with disabilities through education, advocacy and litigation. DRLC accomplishes its work through several programs, including the Civil Rights Litigation Program, Education Advocacy Program, Cancer Legal Resource Center, the Inland Empire Program, and the Community Advocacy Program. DRLC, engages in, *inter alia*, class action, multi-plaintiff and other complex impact litigation on behalf of individuals with disabilities who face discrimination or other violations of civil rights or federal statutory protections. DRLC is generally acknowledged to be a leading public interest organization. Attorneys in the firm have lectured at local, state, and national legal and professional organizations on the law applicable to individuals with disabilities.

1       3. DRLC has litigated complex civil rights and public interest cases for  
2 over 40 years with a focus on impact complex litigation affecting the disability  
3 community. Examples include: *Willits, et. al. v. City of Los Angeles*, Case No. CV  
4 10-05782 CBM (RZx) (a successfully settled class action challenging the City of  
5 Los Angeles' failure to maintain pedestrian right of ways, including sidewalks and  
6 curb ramps for people with mobility disabilities); *Ms. Wheelchair California v.*  
7 *Starline Tours*, No. CV11-02620JFW (CWx) (C.D. Cal.) (a successfully settled  
8 class action resulting in company-wide change in policy governing accessible tours  
9 and seating); *Peter Johnson et al. v. Los Angeles County Sheriff's Department et*  
10 *al.*, USDC Case No. CV 08-03515 DDP (SHx) (a successfully settled class action  
11 currently in the monitoring stage on behalf of individuals with mobility  
12 impairments to obtain program and physical access while detained in the Los  
13 Angeles County Jail); *Casey A., et al. v. Robles, et al.*, Case No. CV10-00192-  
14 (GHK) (FMx) (C.D. Cal.) (a successfully settled class action addressing Los  
15 Angeles County's failure to provide youth in the County's largest probation camp  
16 with basic and appropriate education and rehabilitative services); *Doe2 v. County*  
17 *of San Bernardino, et al.*, (CV ED 02-962 SGL) (a successfully settled class action  
18 addressing the County's failure to provide special education and mental health  
19 services to children with disabilities in their custody in juvenile detention);  
20 *Valenzuela v. County of Los Angeles*, Case No. CV 02-9092 (JWJx) (C.D. Cal.) (a  
21 successfully settled class action addressing failure to provide effective  
22 communication for people who are deaf and hard of hearing in field and jail  
23 settings by Los Angeles County Sheriff's Department); and *Lauderdale v. Long*  
24 *Beach Police Department*, Case No. CV 08-979 ABC (JWJx) (a successfully  
25 settled class action addressing police department's failure to provide effective  
26 communication for people who are deaf or hard of hearing.).

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4. As a non-profit law firm and a provider of legal services pursuant to grants and other funding, DRLC does not charge fees to its clients for any work undertaken on their behalf. DRLC primarily handles cases in which the client cannot afford to retain a law firm, where other lawyers will not handle the matter, and/or where the injunctive relief is the primary outcome of the litigation. Our legal services are provided free of charge to our clients, with attorneys' fees generally paid pursuant to fee shifting statutes.

## **Case History and Settlement with County Defendants**

5. Plaintiff obtained excellent results through the settlement reached with Defendants County of Los Angeles, Los Angeles County Sheriff's Department, Sheriff Baca in his official capacity (collectively, "County Defendants").

6. As representatives of class, Plaintiffs engaged in thorough discovery to ensure that the parties and the Court had adequate information to assess the barriers to accessing special education in the jail and relief sought for the class—as well as the reasonableness of the Settlement Agreement. The discovery included: substantial written discovery, including interrogatories, requests for admissions, and requests for production of documents, which resulted in the combined production of approximately hundreds of documents. Further, Plaintiffs actively pursued discovery in this matter. Due to disagreements that arose during the discovery process, the parties met and conferred on many occasions and Plaintiffs also filed a discovery motion. In addition to extensive written discovery, Plaintiffs deposed four County of Los Angeles officials and the County of Los Angeles' expert witness. The County of Los Angeles deposed the Named Plaintiff as well as Plaintiff's expert witness.

26 7. In addition, the parties filed cross-motions for summary judgment.

27        8. In the summer of 2009, the Parties began settlement negotiations. The  
28 Parties participated in extensive arms-length settlement negotiations, which

1 included extensive written negotiations, multiple in-person meetings, telephonic  
2 settlement negotiations, and multiple in-person settlement conferences with Judge  
3 Terry J. Hatter Jr., who acted as a settlement officer in this case.

4       9. Concurrently with the Lawsuit, Los Angeles Unified School District  
5 (“LAUSD”) commenced a civil action (“Related Case”) in the United States  
6 District Court for the Central District of California, Case No. 2:09-cv-09289-VBF-  
7 CT appealing the decision of the California Office of Administrative Hearings  
8 (“OAH”) which found that, pursuant to California Education Code section 56041,  
9 the LAUSD was the entity legally responsible for providing Plaintiff Michael  
10 Garcia with a free appropriate public education while he was incarcerated in the  
11 LACJ. The District Court in the Related Case subsequently entered orders  
12 affirming the OAH decision. On or about June 3, 2010, LAUSD appealed that  
13 order to the United States Court of Appeals for the Ninth Circuit.  
14

15       10. Plaintiffs’ settlement negotiations with the County Defendants where  
16 effectively stayed pending the outcome of LAUSD’s appeal in the Related Case in  
17 the Ninth Circuit. On or about January 20, 2012, the Ninth Circuit certified the  
18 question to California Supreme Court. On or about March 28, 2012, The  
19 California Supreme Court agreed to take the matter. On or about December 17,  
20 2013, the California Supreme Court issued a seminal decision, holding that the  
21 assignment of responsibility for providing special education to eligible county jail  
22 inmates between the ages of 18 and 22 years is governed by the terms of California  
23 Education Code Section 56041. The Ninth Circuit then issued a final decision on  
24 January 28, 2014, finding that the District Court’s ruling in the Related Case was  
25 consistent with the California Supreme Court’s answer to the certified question, the  
26 Ninth Circuit Court of Appeals affirmed the District Court’s decision affirming the  
27 2009 decision of the administrative law judge.  
28

1       11. Subsequent to this decision, the Parties renewed their settlement  
2 negotiations. The Parties engaged in several in-person meetings, telephonic  
3 negotiations, and exchanged multiple written drafts of the Settlement Agreement.  
4 The Parties worked diligently to finalize the terms of the proposed Settlement  
5 Agreement. On or about February 9, 2017 the Parties entered into a written  
6 Settlement Agreement. Attached hereto as Exhibit A is a true and correct copy of  
7 the Settlement Agreement.

8       12. Plaintiff obtained excellent results through the settlement reached with  
9 Defendants County of Los Angeles, Los Angeles County Sheriff's Department,  
10 Sheriff Baca in his official capacity (collectively, "County Defendants").

11       13. Plaintiff described the terms of that settlement in more detail in his  
12 Motion for Preliminary Approval of Class Action Settlement Agreement. (*See* Dkt.  
13 No. 424-1 and 424-3). As part of the settlement agreement, the County Defendants  
14 have agreed to do the following: (a) administer a questionnaire to all newly booked  
15 18-22 year old individuals who are processed through the LACJ Inmate Reception  
16 Center aimed at identifying those inmates who would like to receive special  
17 education services, (b) notify the charter school that currently provides services at  
18 the LACJ of those individuals who affirmatively state they would like to receive  
19 special education services, (c) create and distribute an informational pamphlet  
20 regarding the availability of special education services and how to request them,  
21 (d) modify its Inmate Grievance/Service Request Form to include a box titled  
22 "Special Education/IEP," (e) designate an employee or employees who will  
23 facilitate the provision of special education services, and (f) train relevant  
24 Sheriff's Department staff regarding the provision of special education services to  
25 eligible students.

14. The qualifications of Class Counsel have been set forth in great detail in the earlier class certification briefing in this case and are discussed further below in paragraphs 19-57. (*See* Dkt. Nos. 81-84).

## DRLC Rates

15. In setting our rates, DRLC reviews published cases and unpublished decisions concerning attorneys' fees rates used by comparable non-profit public interest organizations, awards that DRLC has received for attorneys' fees, and other information from private attorneys relating to the rates charged by private firms for comparable litigation. DRLC also carefully monitors its billing practices to ensure that courts are able to properly perform the lodestar analysis for a fee award. We also take into account the experience of the attorneys and staff working on the case and the complexity of the case.

16. Several courts have found DRLC's hourly rates reasonable. Examples of courts finding DRLC's hourly rates reasonable include:

- *Michael Garcia v. Los Angeles County Sheriff's Dept.*, Case No. CV 09-8943 MMM (SHx), the United States District Court for the Central District of California approved DRLC's 2011 historical rates in a class action. Attached as Exhibit B is a true and correct copy of that order.
  - *California in Communities Actively Living Independent and Free, et al. v. City of Los Angeles et al.*, Case No. CV 09-0287 CBM (RZx) the United States District Court for the Central District of California found DRLC's 2012 historical rates reasonable. This included a range of \$450-\$550 for staff attorneys and \$230 for law clerks. And the court found a 2012 historical hourly rate of \$550 for a 2003 law graduate was reasonable. *Id.* at 6:11-14. The court further found that the plaintiffs had “provided sufficient evidence . . . supporting the reasonableness of their 2012 requested hourly rates” and “that requested hourly rates correspond to the prevailing market rates in the

relevant community, considering the experience, skill, and reputation of the attorneys in question.” *Id.* at 2:18-20. Attached hereto as Exhibit C is a true and correct copy of that order.

- *Peter Johnson v. Los Angeles County Sheriff’s Department*, Case No. CV 08-03515 DDP (SHx), the United States District Court for the Central District of California granted Plaintiffs’ Motion for Attorneys’ Fees and Costs in full. Attached as Exhibit D is a true and correct copy of that order. In particular, the motion that was granted sought time billed by DRLC attorneys at 2014 historical hourly rates of \$800 for a 1982 graduate, \$700 for a 1992 graduate, \$500 for a 2005 graduate and an hourly rate of \$230 for law clerks. See, Declaration of Richard Diaz in support of Plaintiffs’ Motion for Attorneys’ Fees, attached as Exhibit E (summary of hourly rates sought by Plaintiffs at para. 38 of Diaz Declaration) (exhibits to Declaration omitted due to length).
- *Willits et al v. City of Los Angeles et al*, Case No. CV 10-5782 CBM (RZx), the United States District Court for the Central District granted Plaintiffs’ Motion for Attorneys’ Fees and Costs and approved DRLC’s 2014 historical hourly rates. Attached as Exhibit F is a true and correct copy of that order. In particular, the motion that was granted sought time billed by DRLC attorneys at 2014 historical hourly rates of \$680 for a 1987 graduate, \$550 for a 2003 graduate, \$375 for a 2010 graduate, and an hourly rate of \$230 for law clerks. *Id.* at pg.6.
- *Greater Los Angeles Agency on Deafness, Inc. et al v. Krikorian Premiere Theaters, LLC*, Case No. CV 13-07172-PSG (ASx), the United States District Court for the Central District of California approved DRLC’s 2015 historical rates in a class action which had

1 systemic implications regarding access to movie theaters for  
2 individuals who are deaf or hard of hearing. Attached as Exhibit G is  
3 a true and correct copy of that order.

4 17. Experts in the field have also found DRLC's 2016 historical rates to  
5 be reasonable. For example, in a declaration in support of plaintiff's motion for  
6 reasonable attorney fees and costs, Mr. Barrett S. Litt opined as to the  
7 reasonableness of DRLC's rates in the matter of *Independent Living Center of*  
8 *Southern California et al v. City of Los Angeles, et al.*, Case No. CV 12-0551 FMO  
9 (PJW), a class action case currently pending in the United States District Court for  
10 the Central District of California. Attached as Exhibit H is a true and correct copy  
11 of that declaration (exhibits have been omitted due to length).

12 18. DRLC's current rates have also been found reasonable by Richard  
13 Pearl, an expert in the area of attorney fees charged in California and elsewhere. In  
14 a declaration in support of plaintiff's motion for reasonable attorney fees and costs,  
15 Mr. Pearl opined as to the reasonableness of DRLC's rates in the matter of *Ochoa*  
16 *et al v. City of Long Beach et al*, Case No. 2:14-cv-04307-DSF-FFM, a class action  
17 case currently pending in the United States District Court for the Central District of  
18 California. Attached as Exhibit I is a true and correct copy of that declaration.

19 19. DRLC's hourly rates for staff on this case are set forth in the chart  
20 below at paragraph 66. This chart lists the billing attorney, year of law school  
21 graduation, and pertinent hourly rate for all DRLC staff for whom fees are  
22 requested in this matter. Based on the information that I reviewed in working with  
23 the Director of Litigation to set our hourly rates, I believe our rates to be consistent  
24 with the current prevailing market rates charged by other attorneys with  
25 comparable skills, qualifications, experience, and reputation in the market covered  
26 by the Central District.

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1                   DRLC Attorneys and Their Roles

2       20. In addition to the hours expended by Milbank, Plaintiff is seeking  
3 compensation for eight DRLC attorneys who billed on this matter: (1) Paula  
4 Pearlman, former Executive Director; (2) Shawna L. Parks, former Legal Director  
5 of the DRLC; (3) Maronel Barajas, Director of Litigation; (4) Matthew Strugar,  
6 former Staff Attorney; (5) Umbreen Bhatti, former Staff Attorney; (6) Carly  
7 Munson, former Staff Attorney; (7) Andrea Oxman, former Staff Attorney; (8)  
8 Elliot Field, former Staff Attorney.

9       21. Paula Pearlman was the Executive Director at DRLC when she  
10 worked on this instant matter. As Executive Director, her duties included oversight  
11 of DRLC's litigation efforts. She also taught a Disability Rights class at Loyola  
12 Law School in Los Angeles. I understand that, prior to joining DRLC, Ms.  
13 Pearlman was a former Supervising Attorney at the California Women's Law  
14 Center, where she specialized in sex discrimination in employment and education.  
15 I understand that Ms. Pearlman graduated from the Southwestern University  
16 School of Law in 1982. I understand that she has served on the U. S. Access Board  
17 Courthouse Access Advisory Committee, as the board chair of the Employment  
18 Round Table of Southern California (ERTSC), as a board member of the Legal Aid  
19 Association of California, as co-chair of the Lawyer Representatives of the Central  
20 District, Ninth Circuit Judicial Conference, and as a member of the California State  
21 Bar Standing Committee on the Delivery of Legal Services.

22       22. I understand that Ms. Pearlman has received numerous awards  
23 including the 2010 St. Ignatius of Loyola Award, St. Thomas More Society, the  
24 2009 "FEHA 50th Anniversary Civil Rights Award," from the California  
25 Department of Fair Employment and Housing, and she was a 2007 Legal Aid  
26 Association of California Attorney Award of Merit Recipient. She was named a  
27 "Super Lawyer" in 2009 in the area of public interest law and class actions, and  
28

1 she was a 2007 finalist for “Attorney of the Year” for Trial Lawyers for Public  
2 Justice.

3       23. I understand that Ms. Pearlman’s experience with the plaintiffs and  
4 understanding of public entity work was important to filing this case. I understand  
5 that Ms. Pearlman participated in depositions, settlement conferences, and  
6 conferred within DRLC to discuss strategy and tasks.

7       24. A 2014 historical hourly rate of \$800 was previously approved for  
8 Ms. Pearlman in *Peter Johnson v. Los Angeles County Sheriff's Department*, Case  
9 No. CV 08-03515 DDP (SHx); that order and related declaration are attached  
10 hereto as Exhibits D and E.

11       25. DRLC seeks compensation for Ms. Pearlman at an hourly rate of  
12 \$875, which is DRLC’s 2017 billing rate for an attorney of her experience.

13       26. Shawna L. Parks is a 1999 graduate of U.C. Berkeley School of  
14 Law, and a 1995 graduate of U.C. Berkeley. I understand that from 1999-2000  
15 Ms. Parks was a Fulbright Scholar in Budapest, Hungary, where she researched a  
16 recently enacted nondiscrimination statute, worked on developing test litigation,  
17 and co-organized a conference of Eastern European disability rights advocates.

18       27. From early 2012 through late 2013 Ms. Parks was a Director of  
19 Litigation at Disability Rights Advocates in Berkeley, California. From 2005  
20 through early 2012 Ms. Parks was at the Disability Rights Legal Center where she  
21 was Legal Director from 2009 through late 2011. Prior to her work at the DRLC  
22 Ms. Parks was a staff attorney and Equal Justice Works Fellow at Disability Rights  
23 Advocates from 2000 through 2003. From 2003 through 2004 she was an associate  
24 at what was then known as Schonbrun DeSimone Seplow Harris & Hoffman,  
25 where she worked primarily on race and gender discrimination employment cases.  
26 Ms. Parks has extensive expertise in the substantive areas of disability rights, civil  
27 rights and education, including special education. She has litigated numerous  
28

1 cases, including both class actions and individual cases, in these fields. Ms. Parks  
2 is currently the principal attorney in the Law Office of Shawna L. Parks, which she  
3 founded in 2014.

4       28. I understand that in the instant matter Ms. Parks participated in many  
5 aspects of the litigation including discovery, research, settlement, motion work and  
6 engaged in strategy sessions.

7       29. A 2012 historical rate of \$665 was approved for Ms. Parks in *CALIF,*  
8 *et al., v. City of Los Angeles, et al.*, 2011 WL 4595993 (C.D. Cal. 2011), Case No.  
9 2:09-cv-00287- CBM-RZ. A true and correct copy of that fee order is attached  
10 hereto as Exhibit C. In that Order the Court describes Ms. Parks as “nationally  
11 recognized as a leading disability rights attorney.” Order at 4:8

12       30. DRLC seeks compensation for Ms. Parks at an hourly rate of \$745,  
13 which is DRLC’s 2017 billing rate for an attorney of her experience.

14       31. Maronel Barajas is the Litigation Director at the Disability Rights  
15 Legal Center. As the Director of Litigation, she oversees all aspects of DRLC’s  
16 litigation program, including supervising and litigating individual, multi-plaintiff,  
17 and class action cases. This includes coordinating, supervising and providing  
18 substantive expertise and support to attorney staff and legal assistants, as well as  
19 law clerks and volunteers in DRLC’s two offices. Further, her duties as the  
20 Director of Litigation also include negotiating co-counseling agreements, outreach,  
21 grant writing, retaining experts, and budgeting. She also lectures and provides  
22 training on disability rights issues in various forums and participates in legislative  
23 and regulatory comment on behalf of the organization.

24       32. Ms. Barajas is a 2003 graduate of Columbia Law School and 2000  
25 graduate of the University of California, Irvine. The majority of her practice has  
26 focused on civil rights matters, including matters on behalf of individuals with  
27 disabilities. Indeed, civil rights has been my primary focus for approximately  
28 twelve years. Approximately, nine of those years have been spent on cases

1 exclusively on behalf of individuals with disabilities. During this time, she  
2 litigated various cases in the area of disability rights, including individual, multi-  
3 plaintiff and class action cases. These cases have primarily been against public  
4 entities, and most often with the goal of system reform. Ms. Barajas has also  
5 supervised attorneys in numerous lawsuits affecting the rights of people with  
6 disabilities. As a result, she has developed extensive knowledge in the area of  
7 disability rights cases, cases requiring policy reform, and cases involving public  
8 entities.

9       33. After law school, from late 2004 through early 2005, Ms. Barajas  
10 worked as a legal representative for MACS Copy and Interpreting Inc., where her  
11 work focused primarily on worker's compensation matters. In early 2005, Ms.  
12 Barajas joined DRLC and held various positions until she left in late 2008. These  
13 positions included being an Education Advocate, Staff attorney, Associate Director  
14 and ultimately Director of the Education Advocacy Program. During 2005-2008,  
15 her work was exclusively on behalf of people with disabilities, with a focus on  
16 matters on behalf of students with disabilities. Ms. Barajas worked on cases at the  
17 administrative and federal court level. She also regularly lectured and trained on  
18 issues relating to individuals with disabilities, including participating in legislative  
19 and regulatory comment on behalf of the organization. By way of example, Ms.  
20 Barajas was an Adjunct Professor at Loyola Marymount University in Los Angeles  
21 where she taught an upper division Special Education and the Law course; guest  
22 lectured at Loyola Law School's Disability Rights and Special Education Law  
23 class; and wrote articles related to the rights of students with disabilities. In her  
24 capacity as Director of the Education Advocacy program, she also supervised  
25 attorney staff and managed DRLC's Education Advocacy Program's externship  
26 program. In 2007, during Ms. Barajas tenure as the Director, the Education  
27 Advocacy Program along with DRLC's litigation program was recognized as the  
28 Agency Winner at the National Association of Counsel for Children in Keystone,

1 Colorado for improving the educational opportunity for students with disabilities  
2 held in detention facilities and for improving the access to courts for individuals  
3 with disabilities.

4       34. In late 2008, Ms. Barajas left DRLC to become an associate with the  
5 former law firm of Traber & Voorhees, a prominent civil rights litigation firm in  
6 Pasadena, California. Traber & Voorhees recently dissolved after one its founding  
7 partners, Theresa M. Traber, was appointed to the bench. At Traber & Voorhees,  
8 her focused primarily on discrimination cases in the employment, education, and  
9 custodial context. Ms. Barajas handled matters at the state, federal and state  
10 appellate level. She remained an associate with Traber & Voorhees until early  
11 2011.

12       35. In early 2011, Ms. Barajas returned to work with DRLC as the sole  
13 Senior Staff Attorney in the litigation program. In addition to focusing on impact  
14 and complex litigation, she co-authored an article with Paula Pearlman, Esq. for  
15 the 2011-2012 Ability magazine issue, titled “a boy and his dog” regarding a case  
16 where she was lead counsel from DRLC. To my knowledge, it was the first case  
17 of its kind where a federal court judge held that a student with autism had the right  
18 to attend school with his service dog. Until approximately 2013, Ms. Barajas also  
19 served as an Adjunct Professor at Loyola Marymount University where she taught  
20 an upper division Special Education and the Law course. Ms. Barajas also  
21 oversaw DRLC’s externship program with Loyola Law School until that  
22 partnership ended. In 2015, she was promoted to Managing Attorney of the  
23 litigation department, and in late 2016, she was again promoted, this time to  
24 Director of Litigation, a position that she still holds.

25       36. I understand that Ms. Barajas participated in settlement and engaged  
26 in strategy sessions.

27       37. A 2012 historical hourly rate of \$550 for a 2003 law graduate was  
28 previously approved in *California in Communities Actively Living Independent and*

1      *Free, et al. v. City of Los Angeles et al.*, Case No. CV 09-0287 CBM (RZx) at  
2      6:11-14; that order and related declaration are attached hereto as Exhibit C.

3            38. DRLC seeks compensation for Ms. Barajas at an hourly rate of \$675,  
4      which is DRLC's 2017 billing rate for an attorney of her experience

5            39. Matthew Strugar is a 2004 graduate from the University of Southern  
6      California Gould School of Law. When he worked on this matter, he was a Staff  
7      Attorney with the litigation department. While at DRLC, Mr. Strugar focused on  
8      class action and impact litigation centered on matters in the correctional context. I  
9      understand that Mr. Strugar participated in working with plaintiff and class  
10     members.

11           40. DRLC seeks compensation for Mr. Strugar at an hourly rate of \$660,  
12     which is DRLC's 2017 billing rate for an attorney of his experience.

13           41. Umbreen Bhatti graduated from the University of Michigan Law  
14     School in 2005. I understand that prior to joining DRLC she was an associate at  
15     Latham & Watkins and later a staff attorney at the ACLU of Delaware, where she  
16     managed a caseload involving civil rights cases in state and federal court and  
17     before state commissions, litigating a wide variety of civil rights issues. While she  
18     worked on this matter she was a Staff Attorney with the litigation department.  
19     While at DRLC, Mr. Gibson focused on class action and impact litigation centered  
20     on physical and programmatic accessibility for individuals with disabilities. In the  
21     instant matter, I understand that Ms. Bhatti participated in settlement and engaged  
22     in strategy sessions.

23           42. A 2014 historical hourly rate of \$500 was previously approved for a  
24     2005 graduate in *Peter Johnson v. Los Angeles County Sheriff's Department*, Case  
25     No. CV 08-03515 DDP (SHx); that order and related declaration are attached  
26     hereto as Exhibits D and E.

27           43. DRLC seeks compensation for Ms. Bhatti at an hourly rate of \$640,  
28     which is DRLC's 2017 billing rate for an attorney of her experience.

1       44. Carly Munson is a 2006 graduate from Boston University School of  
2 Law. When she worked on this matter, she was a Staff Attorney. While at DRLC,  
3 Ms. Munson focused on impact litigation centered with a focus on matters in the  
4 educational context. I understand that Ms. Munson participated in drafting,  
5 reviewing, and revising documents related to the complaint, investigating the  
6 claims, working with the plaintiffs, motion work and settlement. Ms. Munson also  
7 participated in regular conference calls with co-counsel to discuss strategy and  
8 tasks and conferred within DRLC and with co-counsel.

9       45. DRLC seeks compensation for Ms. Munson at an hourly rate of \$625,  
10 which is DRLC's 2017 billing rate for an attorney of her experience.

11      46. Andrea Oxman is a 2007 graduate from the University of Southern  
12 California Gould School of Law. When she worked on this matter, she was a Staff  
13 Attorney with the litigation department. While at DRLC, Ms. Oxman focused on  
14 class action and impact litigation centered on physical and programmatic  
15 accessibility for individuals with disabilities. Ms. Oxman is currently an associate  
16 in private practice at Klinedinst PC. I understand that Ms. Oxman participated in  
17 drafting, reviewing, and revising documents related to the complaint, investigating  
18 the claims, working with the plaintiffs, discovery, motion work and settlement.

19      47. DRLC seeks compensation for Ms. Oxman at an hourly rate of \$600,  
20 which is DRLC's 2017 billing rate for an attorney of her experience.

21      48. Elliot Field is a 2009 graduate from Loyola Law School. When he  
22 worked on this matter, he was a Staff Attorney. While at DRLC, Mr. Field focused  
23 on impact litigation centered with a focus on matters in the educational context. I  
24 understand that Mr. Fields participated in depositions and worked with plaintiffs.

25      49. DRLC seeks compensation for Mr. Field at an hourly rate of \$525,  
26 which is DRLC's 2017 billing rate for an attorney of his experience.

27      50. DRLC law clerks also worked on this matter. DRLC seeks  
28 compensation for law clerks at an hourly rate of \$250. DRLC seeks a currently

1 hourly rate of \$250 for law clerks. DRLC relies on its law clerks primarily to do  
2 legal and factual research, and did so in this matter. DRLC's law clerks are law  
3 students from local law schools, including Loyola Law School.

4       51. In *California in Communities Actively Living Independent and Free*,  
5 *et al. v. City of Los Angeles et al.*, Case No. CV 09-0287 CBM (RZx) the United  
6 States District Court for the Central District of California found DRLC's 2012  
7 rates of \$230 for law clerks reasonable; that order and related declaration are  
8 attached hereto as Exhibit C.

9       52. DRLC also seeks compensation for work performed by Legal  
10 Assistants at a currently hourly rate of \$250.

11       53. In *California in Communities Actively Living Independent and Free*,  
12 *et al. v. City of Los Angeles et al.*, Case No. CV 09-0287 CBM (RZx) the United  
13 States District Court for the Central District of California found DRLC's 2012  
14 rates of \$230 for legal assistants reasonable; that order and related declaration are  
15 attached hereto as Exhibit C.

16       54. The manner in which DRLC staffed this case is fairly standard for a  
17 case of this size and importance.

18       55. DRLC made every effort to litigate this matter efficiently by  
19 coordinating our work, minimizing duplication, and assigning tasks in a time and  
20 cost efficient manner, based on the time keepers' experience levels and talents.

21       56. The attorneys at Milbank worked on this matter as co-counsel and as  
22 appropriate. It was essential for the DRLC to co-counsel with the attorneys from  
23 Milbank in this matter particularly given their expertise and experience with  
24 litigation. The specific work that they did on the case and their rates are discussed  
25 fully in the Declaration of Samir L. Vora in Support of Plaintiff's Motion for  
26 Award of Attorneys' Fees and Expenses that is filed herewith.

27 //

28 //

## Method of Recording Time

57. DRLC's method of recording attorneys' fees consists of recording time spent on particular cases as contemporaneously as possible with the actual expenditure of the time, in tenth of an hour increments, and submitting those time records in the regular course of business. DRLC's law clerks and support staff do the same.

## **Exercise of Billing Judgment and Determining the Lodestar**

58. The \$200,000 in fees and costs for DRLC and Milbank attorneys combined represents only a portion of the actual hours expended by Plaintiffs' counsel in the nearly eight years this case has been litigated. In determining the reasonable attorneys' fees for work performed DRLC calculated its lodestar based on its current 2017 hourly rates as well as apportioning those fees for work attributable to County Defendants.

59. DRLC's total actual fees and costs through October 2011 is \$810,851. A true and correct copy of DRLC's billing statement is attached here to as Exhibit J.

60. In order to determine the amount of fees to apportion to County Defendants, I carefully reviewed DRLC's billing statement on an entry by entry basis in order to categorize time spent in the following categories: (a) time related to general furtherance of Plaintiff's claims in the case as a whole; and (b) time related specifically to County Defendants.

61. This resulted in 869.70 hours of time, for a total value of \$538,213.50 for time spent in general furtherance of the litigation. And, 163.90 hours of time, for a total value of \$101,812.50 for time spent related specifically to County Defendants.

62. I then equally divided the time spent in general furtherance of the litigation among all Defendants in the litigation, for a total amount of

1 approximately 173.9 hours of time per defendant, for a total value of \$107,642.70.

2 63. I then added \$101,812.50 (total value for time spent related  
3 specifically to County Defendants) and \$107,642.70 (the corresponding fraction of  
4 time spent in general furtherance of the litigation among all Defendants). This  
5 billing discretion resulted in final lodestar of **\$209,455.20** for approximately 338  
6 hours as applied to the County Defendants

7 64. In reaching the lodestar for determining DRLC's fees and costs, I  
8 carefully reviewed all of the DRLC attorneys' billing statements. In reviewing this  
9 time spent by DRLC attorneys and law clerks, I exercised billing judgment and in  
10 doing so wrote-off certain time, as appropriate.

11 65. Below is a table of the DRLC time-keepers on this matter, including  
12 hours and total fees attributed to its claims against the County Defendants at the  
13 time of settlement:

14 <b>Attorney Name</b>	15 <b>Graduation</b>	16 <b>Billing Rate</b>	17 <b>Total Hours</b>	18 <b>Total Fees</b>
19 Paula Pearlman	20 1982	21 \$875	22 29.10	23 \$25,462.50
24 Shawna Parks	25 1999	26 \$745	27 223.70	28 \$166,656.50
29 Maronel Barajas	30 2003	31 \$675	32 20.10	33 \$13,567.50
34 Matthew Strugar	35 2004	36 \$660	37 12.00	38 \$7,920.00
39 Umbreen Bhatti	40 2005	41 \$640	42 11.80	43 \$7,552.00
44 Carly Munson	45 2006	46 \$625	47 143.00	48 \$89,375.00
49 Andrea Oxman	50 2007	51 \$600	52 758.60	53 \$455,160.00
54 Elliot Field	55 2009	56 \$525	57 49.30	58 \$25,882.50
59 Law Clerks	60 N/A	61 \$250	62 75.90	63 \$18,975.00

1	Paralegals	N/A	\$250	1.20	\$300.00
2	DRLC Total Fees			1331.60	\$810,851.00
3	Subtotal of DRLC Fees Spent in General Furtherance of Litigation			869.70	\$538,213.50
4	Subtotal of DRLC Fees Spent Specifically Related to County Defendants			169.90	\$101,812.50
5	<b>DRLC Fees Apportionment to County Defendants</b>				<b>Total: \$209,455.20</b>

19       66. Since the time of settlement, DRLC has expended additional time  
20 negotiating and executing an amendment to the settlement agreement and in  
21 preparing the preliminary approval papers as well as the instant attorneys' fee  
22 motion.

23       67. I have personally reviewed all the entries and calculations in this  
24 declaration. Any calculation errors in the totals of hours, fees, or expenses are  
25 inadvertent and mine alone.

26       68. In addition to fees, DRLC incurred out-of-pocket costs, as  
27 apportioned to County Defendants, which it has not included in its request here. As  
28 with time records, costs are recorded in our system as contemporaneously as

<sup>1</sup> possible to when they are incurred or when we are billed by a third party, and are  
<sup>2</sup> submitted by DRLC staff in the regular course of business.

3       69. The fees claimed here are for the work necessary to investigate and  
4 develop Plaintiffs' claims, secure class certification, secure discovery needed for  
5 trial , prepare a motion for partial summary judgment, and to achieve a resolution  
6 that remedies violations of the civil rights of students in jail eligible to received  
7 special education services

8       70. In my opinion, the total \$200,000 in fees and costs for DRLC and  
9 Milbank attorneys combined is a reasonable figure for attorneys' fees and costs  
10 particularly given the amount of work invested in this matter. The amount sought  
11 by Plaintiff in this matter represents a fair and reasonable fees and costs award in  
12 this case.

14 I declare under penalty of perjury of the laws of the United States of  
15 America and the State of California that the foregoing is true and correct, and that  
16 this declaration was executed on June 8, 2017 in Whittier, California.

ANNA RIVERA